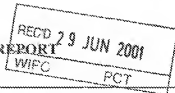


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 40451025 TNB:NB	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU00/00936	International Filing Date (<i>day/month/year</i>) 7 August 2000	Priority Date (<i>day/month/year</i>) 6 August 1999
International Patent Classification (IPC) or national classification and IPC Int. CL ⁷ A61F 11/04, 2/18		
Applicant THE UNIVERSITY OF MELBOURNE et al		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																
2.	<p>This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheet(s).</p>																
3.	<p>This report contains indications relating to the following items:</p> <table border="0"> <tr> <td>I</td> <td><input checked="" type="checkbox"/> Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/> Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/> Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/> Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/> Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/> Certain observations on the international application</td> </tr> </table>	I	<input checked="" type="checkbox"/> Basis of the report	II	<input type="checkbox"/> Priority	III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/> Lack of unity of invention	V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/> Certain documents cited	VII	<input type="checkbox"/> Certain defects in the international application	VIII	<input type="checkbox"/> Certain observations on the international application
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VIII	<input type="checkbox"/> Certain observations on the international application																

Date of submission of the demand 8 February 2001	Date of completion of the report 8 June 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JOHN HO Telephone No. (02) 6283 2329

1. Basis of the report

1. With regard to the elements of the international application: *
- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of
2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-8	YES
	Claims -	NO
Inventive step (IS)	Claims 1-8	YES
	Claims -	NO
Industrial applicability (IA)	Claims 1-8	YES
	Claims -	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

WO 99/06108 A

US 5814095 A

The present statement of claims are directed to an implant package for a cochlear implant having the stimulator electronics contained within a protective housing. The stimulator electronics are operably coupled to a receiving/transmitting coil which is enclosed in a protective casing shaped and dimensioned to be located within the mastoid cavity of the patient nearer to the entry point of the electrode array to the cochlea wherein the coupling between the protective housing and the protective casing is contained in a flexible connection.

WO 99/06108 refers to an implantable cochlear system having two implantable devices, each having its own case, jointed by a detachable cable (see page 3 lines 1-9 for instance). Page 5 lines 28-36 of the citation refers to one housing having "...wires going to the stimulation and sensing electrodes and devices, and the interface circuitry for stimulating and sensing as well as other signal processing and conditioning circuits..." and the other having "...coil, battery, battery charging and power regulation circuitry...". There is however no clear teaching in this document that one of these housings is placed or adapted for placement in the mastoid cavity.

US 5814095 teaches the implantation of a microphone housing (11) or an electromechanical converter (25) in a mastoid cavity (18). There is however no specific teaching in this document that the signal processing unit (21) can be placed within the mastoid cavity.

Therefore the subject matter of claims 1-8 is new and meets the requirements of Article 33(2) PCT with regard to the requirement for novelty.

The claimed invention is also not obvious in the light of any of the cited documents nor disclosed in any obvious combination, nor would the claimed invention be obvious to a person skilled in the art in the light of common general knowledge by itself or in combination with any of these documents.